

A. G. Contract No. KR92-0791TRN  
ECS File: JPA-92-50  
Item No.: 117  
Project: NH10-3(310)  
TRACS No.: H 0142 04C  
Section: I-10/SR 360 T.I.  
Baseline Rd Reconstruction  
City of Tempe No.: C92-115

**INTERGOVERNMENTAL AGREEMENT**  
BETWEEN  
THE STATE OF ARIZONA  
AND  
CITY OF TEMPE

THIS AGREEMENT is entered into 7 October, 1992,  
pursuant to Arizona Revised Statutes, Sections 11-951 through  
11-954, as amended, between the STATE OF ARIZONA, acting by and  
through its DEPARTMENT OF TRANSPORTATION (the "State") and the  
CITY OF TEMPE, acting by and through its City Council (the  
"City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes  
Section 28-108 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has delegated  
to the undersigned the authority to execute this agreement on  
behalf of the State.

2. The City is empowered by Arizona Revised Statutes  
Section 48-572 and the City Charter, Section 103 to enter into  
this agreement and has by resolution, a copy of which is  
attached hereto and made a part hereof, resolved to enter into  
this agreement and has authorized the undersigned to execute  
this agreement on behalf of the City.

3. In conjunction with the State's reconstruction of the  
Interstate 10/SR 360 Traffic Interchange (T.I.), and the  
reconstruction of the signalized interchange at Baseline Road  
and Interstate 10 (I-10), the City requests and the State  
agrees, to install modular signals at the Baseline Road and  
I-10 T.I. to be consistent with other signal equipment within  
the City's corporate boundaries. The City also requests that  
street lighting be installed on Baseline Road in accordance  
with City design guidelines and additional waterline  
improvements be made on Baseline Road and Priest Drive.

NO. <u>17143</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>10/27/92</u>
<u>Richard Mahoney</u> Secretary of State
By <u>[Signature]</u>

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

II. SCOPE OF WORK

1. The State will:

a. Prepare plans and specifications per City standards and specifications for construction of the modular traffic signals at the designated location herein and submit them to the City for review and concurrence.

b. Prepare plans and specifications per City standards for construction of the street lighting at the designated location herein and submit them to the City for review and concurrence.

c. Call for bids and award one or more construction contracts, administer same and make all payments to the contractor. Be responsible for contractor claims associated with the installation of the modular signals and signal lighting systems.

d. Install the modular signal equipment provided by the City and incorporate with the State's signal equipment to provide a complete operating signalized intersection.

e. Fund the cost of installation of street lighting outside previous State right of way.

f. Install the street lighting and incorporate with the City's system.

g. Install fire hydrants furnished by the City at the locations shown on the construction plans. Return the existing fire hydrants removed during construction to the City.

h. Install new 20" butterfly valve and vault on Priest Drive at the location shown on the construction plans.

i. Construct two (2) modular signal foundations at Baseline Road/Linden Lane intersection for future traffic signal.

j. Upon approval of utility improvements to be constructed by the City, issue the applicable permits for work within State right of way.

2. The City will:

a. Provide the following modular signal equipment to be installed by the State's contractor, per approved design:

- Unassembled Signal Poles ("J", "Q", "F" or "E" Poles and "A" Poles)
- Unassembled Signal Mast Arms
- Unassembled Internally Lighted Signs
- Unassembled Luminaire and Lighting Mast Arms
- Approximately 1350 LF of Fire Preemption Shielded Wire

b. Fund the cost of the installation of the street lighting, within previous State right of way, estimated to be \$27,541 east of I-10 and \$12,872 west of I-10. The actual cost will be determined using contract bid prices.

c. Conform with the National Electrical Code and the provisions of the Manual on Uniform Traffic Control Devices for streets and highways on all equipment provided by the City.

d. Be responsible for all energy and maintenance costs associated with the modular signal system and street lighting, excluding under-deck lighting.

e. Be responsible for all contractor claims for additional compensation as a result of delays caused by the City, by not having the modular signal equipment or fire hydrants available for the contractor.

f. Supply new fire hydrants to be installed by the State at the location shown on the construction plans.

g. Fund the cost of installation by of the 20" butterfly valve and vault to be installed on Priest Drive, estimated at \$7,000.00. The actual cost will be determined by contract bid prices.

h. Fund the cost of installation of two (2) modular signal foundations at Lindon Lane/Baseline Road intersection, estimated at \$2,000.00. The actual cost will be determined by contract bid prices.

### III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said traffic signals street lighting and waterline improvements are complete, in place and functional; provided, however, that this agreement, except any provisions

herein for maintenance and energy costs, which shall be perpetual, may be cancelled at any time prior to the commencement of construction, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518(B) and (C).

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Engineering Consultants Services  
205 South 17 Avenue, Room 222E, M.D. 616E  
Phoenix, AZ 85007

City of Tempe  
P. O. Box 5002  
Tempe, AZ 85281

7. Attached hereto and incorporated herein is a copy of the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.


IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF TEMPE

STATE OF ARIZONA

Department of Transportation

By   
HARRY E. MITCHELL  
Mayor

By   
ROBERT P. MICKELSON, P.E.  
Deputy State Engineer

Attest

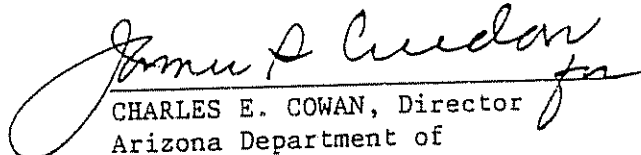
By   
HELEN FOWLER  
City Clerk

4696  
17AUG92

RESOLUTION

BE IT RESOLVED on this 13th day of April 1992, that I, CHARLES E. COWAN, as Director of the Arizona Department of Transportation, have determined that it is in the best interest of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Tempe, for the purpose of defining certain responsibilities for the installation and maintenance of modular signals at the Baseline Road intersection of Interstate 10.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Deputy State Engineer.

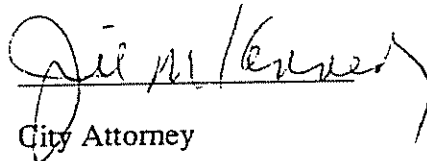
  
CHARLES E. COWAN, Director  
Arizona Department of  
Transportation

JPA 92-50

APPROVAL OF THE TEMPE CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION and the CITY OF TEMPE, and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 14<sup>th</sup> day of Sept, 1992.

  
City Attorney

RESOLUTION NO. 92.64

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF TEMPE,  
ARIZONA, AUTHORIZING THE EXECUTION OF AN AGREEMENT  
WITH THE STATE OF ARIZONA, DEPARTMENT OF  
TRANSPORTATION

\* \* \* \* \*

WHEREAS, with the reconstruction of the Interstate 10/State  
Route 360 Traffic Interchange and the Baseline Road/Interstate 10 Traffic  
Interchange, the City of Tempe requests that street lighting, traffic  
signals, and waterline improvements be made, and

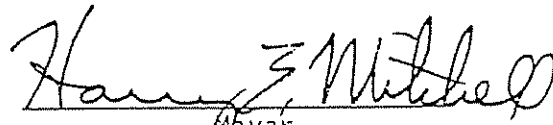
WHEREAS, the Arizona Department of Transportation has prepared  
an agreement setting forth the provisions and responsibilities for  
installation of said improvements, and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY  
OF TEMPE, ARIZONA, as follows:

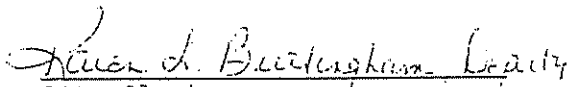
That the Mayor of the City of Tempe, hereby be authorized to  
execute an agreement with the Arizona Department of Transportation setting  
forth the provisions and responsibilities for reconstruction of the  
Interstate 10/State Route 360 Traffic Interchange and the Baseline  
Road/Interstate 10 Traffic Interchange, Project No. 926410.

Resolution No. 92.64  
Page Two

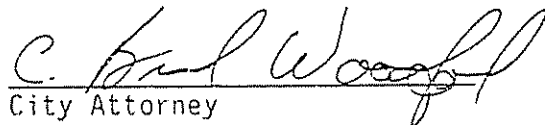
PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF TEMPE, ARIZONA  
this 20<sup>th</sup> day of August, 1992.

  
Mayor

ATTEST:

  
City Clerk

APPROVED AS TO FORM:

  
City Attorney

JRP:11

I, Helen R. Fowler, the duly appointed City Clerk of the City of Tempe, Maricopa County, Arizona, do hereby certify the attached to be a true and exact copy of Resolution No. 92.64, passed and adopted at the Regular Council Meeting of August 20, 1992, by the Tempe City Council, Tempe, Arizona.

DATED this 11th day of September, 1992.

  
Helen R. Fowler, CMC  
City Clerk



1,164 acres located at 750 N. Mill for a total of 1,533 acres within the project boundaries. Ken VanDoren requested that this item be removed from the consent agenda. Mr. VanDoren spoke out against this item. Councilman Plencner made a motion to approve Resolution No. 92.49; Councilman Cassano seconded the motion; motion passed 6-0.

- Helen R. Fowler*  
Helen R. Fowler, CMC, City Clerk
- \*39. **ARIZONA DEPARTMENT OF TRANSPORTATION (0107-01) RESOLUTION NO. 92.59** Adopted a resolution authorizing execution of (Contract #92-112) with the State of Arizona, Department of Transportation, setting forth conditions for construction and landscaping of a sloped berm and privacy wall in conjunction with the Pima-Superstition Traffic Interchange, Project No. 926448.
- \*40. **COUNCIL MEETING DATES ESTABLISHED (0101-08) RESOLUTION NO. 92.60** Adopted a resolution establishing September 10, 17 & 24, October 8, 22 & 29, November 12 & 19, and December 10 & 17, 1992 as the meeting dates for the regular City Council meetings.
- \*41. **LIBRARY ADMIN (0704-01) RESOLUTION NO. 92.61** Adopted a resolution (Contract #92-116) authorizing the conveyance of the bookmobile by gift from the City of Tempe to the Maricopa County Library District.
- \*42. **SECTION 8 HOUSING (0207-03) RESOLUTION NO. 92.62** Adopted a resolution (Contract #92-113) to submit application to Department of Housing and Urban Development (HUD) for additional 27 units of Section 8 existing housing and authorize the execution of the annual contributions contract, if the application is approved.
- \*43. **LIBRARY ADMIN (0704-01) RESOLUTION NO. 92.63** Adopted a resolution approving an intergovernmental agreement (Contract #92-114) between the Maricopa County Free Library District and the City of Tempe to participate in the reciprocal borrowing program effective July 1, 1992.
- \*44. **ARIZONA DEPARTMENT OF TRANSPORTATION (0107-01) RESOLUTION NO. 92.64** Adopted a resolution authorizing execution of (Contract #92-115) with the State of Arizona, Department of Transportation, setting forth conditions for reconstruction of the Interstate 10/State Route 360 Traffic Interchange and Baseline Road/Interstate 10 Traffic Interchange, Project No. 926410.
- \*45. **BOND SERVICE ADMIN (0203-01) RESOLUTION NO. 92.65** Adopted a resolution approving the substitution of a debt service reserve fund surety policy for investments contained in Reserve Fund for the 1984 Bonds issued by the City of Tempe Municipal Property Corporation; approval of City to repay any draws on surety policy; authorized execution of all documents for the transaction.

**F. MISCELLANEOUS DEPARTMENTAL REPORTS**

- \*46. Community Services Department Status Report - June, 1992



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON. PHOENIX 85007

GRANT WOODS  
ATTORNEY GENERAL

MAIN PHONE : 542-5025  
TELECOPIER : 542-4085

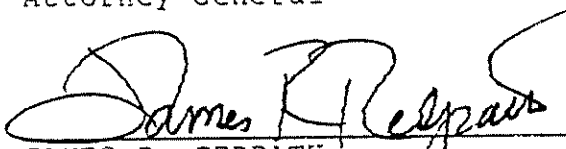
INTERGOVERNMENTAL AGREEMENT  
DETERMINATION

A. G. Contract No. KR92-0791-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. §11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 2<sup>nd</sup> day of October, 1992.

GRANT WOODS  
Attorney General

  
JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

7738G/28